

SENATE BILL 719

J2

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By: **Senator Middleton**

Introduced and read first time: February 10, 2010

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Dental Hygienists – Practice in Long-Term Care**
3 **Facilities**

4 FOR the purpose of authorizing a dental hygienist to practice dental hygiene under
5 the general supervision of a dentist in long-term care facilities under certain
6 circumstances; requiring certain dental hygienists to have a certain written
7 agreement; requiring certain dental hygienists to consult with the supervising
8 dentist or a treating physician under certain circumstances; requiring certain
9 dental hygienists to assess the appropriate recall interval for a patient in a
10 certain manner; requiring certain dental hygienists to ensure that certain
11 long-term care facilities have a medical emergency plan and certain equipment;
12 defining certain terms; and generally relating to the practice of dental hygiene.

13 BY adding to
14 Article – Health Occupations
15 Section 4–308(j)
16 Annotated Code of Maryland
17 (2009 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Health Occupations**
21 4–308.

22 **(J) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**
23 **THE MEANINGS INDICATED.**

24 **(II) “ASSISTED LIVING PROGRAM” HAS THE MEANING**
25 **STATED IN § 19–1801 OF THE HEALTH – GENERAL ARTICLE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (III) “GENERAL SUPERVISION” MEANS SUPERVISION OF A
2 DENTAL HYGIENIST BY A DENTIST, WHERE THE DENTIST MAY OR MAY NOT BE
3 PRESENT WHEN THE DENTAL HYGIENIST PERFORMS THE DENTAL HYGIENE
4 PROCEDURES.

5 (IV) “LONG-TERM CARE FACILITY” MEANS:

6 1. A NURSING HOME; OR

7 2. AN ASSISTED LIVING PROGRAM.

8 (V) “NURSING HOME” HAS THE MEANING STATED IN §
9 19-1401 OF THE HEALTH – GENERAL ARTICLE.

10 (2) (I) WHILE IT IS EFFECTIVE, A GENERAL LICENSE TO
11 PRACTICE DENTAL HYGIENE ISSUED UNDER THIS TITLE AUTHORIZES THE
12 LICENSEE TO PRACTICE DENTAL HYGIENE UNDER THE GENERAL SUPERVISION
13 OF A LICENSED DENTIST IN A LONG-TERM CARE FACILITY IN ACCORDANCE
14 WITH THIS SUBSECTION.

15 (II) THIS SUBSECTION MAY NOT BE CONSTRUED TO:

16 1. AUTHORIZE A DENTAL HYGIENIST TO PRACTICE
17 DENTAL HYGIENE INDEPENDENT OF A SUPERVISING DENTIST;

18 2. PROHIBIT A DENTIST FROM BEING AVAILABLE
19 FOR PERSONAL CONSULTATION OR ON THE PREMISES WHERE A DENTAL
20 HYGIENIST IS PRACTICING;

21 3. PROHIBIT A DENTAL HYGIENIST, WITHOUT THE
22 SUPERVISION OF A DENTIST, FROM PERFORMING A PRELIMINARY DENTAL
23 EXAMINATION WITH SUBSEQUENT REFERRAL TO A DENTIST; OR

24 4. REQUIRE A WAIVER UNDER SUBSECTION (E) OF
25 THIS SECTION.

26 (3) BEFORE A DENTAL HYGIENIST IS AUTHORIZED TO PRACTICE
27 DENTAL HYGIENE UNDER GENERAL SUPERVISION IN A LONG-TERM CARE
28 FACILITY IN ACCORDANCE WITH THIS SUBSECTION, THE DENTAL HYGIENIST
29 SHALL HOLD AN ACTIVE LICENSE TO PRACTICE DENTAL HYGIENE IN THE STATE.

30 (4) A DENTAL HYGIENIST PRACTICING UNDER THE GENERAL
31 SUPERVISION OF A LICENSED DENTIST IN A LONG-TERM CARE FACILITY SHALL:

1 **(I) HAVE A WRITTEN AGREEMENT BETWEEN THE**
2 **SUPERVISING DENTIST AND THE DENTAL HYGIENIST THAT CLEARLY SETS**
3 **FORTH THE TERMS AND CONDITIONS UNDER WHICH THE DENTAL HYGIENIST**
4 **MAY PRACTICE, INCLUDING A STATEMENT THAT THE DENTAL HYGIENIST MAY**
5 **PROVIDE DENTAL HYGIENE SERVICES WITHOUT THE SUPERVISING DENTIST ON**
6 **THE PREMISES;**

7 **(II) CONSULT WITH THE SUPERVISING DENTIST OR A**
8 **TREATING PHYSICIAN BEFORE PROCEEDING WITH TREATMENT IF THERE IS A**
9 **CHANGE IN A RECALL PATIENT'S MEDICAL HISTORY;**

10 **(III) ASSESS THE APPROPRIATE RECALL INTERVAL BASED**
11 **ON THE INDIVIDUAL NEEDS OF THE PATIENT, OR AS OTHERWISE**
12 **RECOMMENDED BY THE SUPERVISING DENTIST; AND**

13 **(IV) ENSURE THAT THE LONG-TERM CARE FACILITY WHERE**
14 **THE DENTAL HYGIENIST PRACTICES UNDER GENERAL SUPERVISION HAS:**

15 **1. A MEDICAL EMERGENCY PLAN; AND**

16 **2. ADEQUATE EQUIPMENT, INCLUDING PORTABLE**
17 **EQUIPMENT AND APPROPRIATE ARMAMENTARIUM AVAILABLE FOR THE**
18 **APPROPRIATE DELIVERY OF DENTAL HYGIENE SERVICES.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2010.